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16 Attorneys for WAYMO LLC

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

19 WAYMO LLC,

20 CASE NO. 3:17-cv-00939-WHA

21 Plaintiff,

22

23 vs.

24 **DECLARATION OF JOHN W.  
MCCAULEY IN SUPPORT OF  
PLAINTIFF WAYMO LLC'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL PORTIONS OF LETTER  
BRIEF REGARDING WAYMO'S  
MOTION TO COMPEL**

25 UBER TECHNOLOGIES, INC.;  
26 OTTOMOTTO LLC; OTTO TRUCKING  
27 LLC,

28 Defendants.

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1 I, John W. McCauley, declare as follows:

2       1. I am an attorney licensed to practice in the State of California and am admitted to  
 3 practice before this Court. I am an associate at the law firm Quinn Emanuel Urquhart & Sullivan,  
 4 LLP, counsel for the Plaintiff Waymo LLC (“Waymo”). I have personal knowledge of the matters set  
 5 forth in this Declaration, and if called as a witness I would testify competently to those matters.

6       2. I make this declaration in support of Waymo’s Administrative Motion to File Under  
 7 Seal Portions of its June 21, 2017 Letter Brief Regarding Waymo’s Motion to Compel (the “Letter  
 8 Brief”) and Exhibits thereto (the “Administrative Motion”). The Administrative Motion seeks an  
 9 order sealing the following materials:

Document	Portions to Be Filed Under Seal	Designating Party
Portions of Waymo’s Letter Brief	Portions highlighted in blue	Defendants
	Portions highlighted in green	Waymo
Exhibit 1 of Waymo’s Letter Brief	Entire Document	Defendants
Exhibit 2 of Waymo’s Letter Brief	Portions highlighted in blue	Defendants
Exhibit 3 of Waymo’s Letter Brief	Portions highlighted in yellow and blue	Defendants
Exhibit 5 of Waymo’s Letter Brief	Entire Document	Defendants
Exhibit 6 of Waymo’s Letter Brief	Entire Document	Defendants
Exhibit 7 of Waymo’s Letter Brief	Entire Document	Defendants
Exhibit 8 of Waymo’s Letter Brief	Entire Document	Defendants
Exhibit 9 of Waymo’s Letter Brief	Entire Document	Defendants
Exhibit 13 of Waymo’s Letter Brief	Entire Document	Defendants
Exhibit 16 of Waymo’s Letter Brief	Entire Document	Defendants

21       3. Waymo has filed portions of its Letter Brief (portions highlighted in blue) and the  
 22 Exhibits to the Letter Brief under seal because they contain information that Defendants have  
 23 designated confidential.

24       4. Waymo expects Defendants to file one or more declarations in accordance with the  
 25 Local Rules.

26       5. The Letter Brief also contains or refers to trade secret and confidential business  
 27 information, which Waymo seeks to seal.

1       6.       Portions of the Letter Brief (portions highlighted in green) contain, reference, and/or  
 2 describe Waymo's asserted trade secrets. The information Waymo seeks to seal includes the  
 3 confidential design and functionality of Waymo's proprietary autonomous vehicle system, which  
 4 Waymo maintains as secret. I understand that these trade secrets are maintained as secret by Waymo  
 5 (Dkt. 25-47) and are valuable as trade secrets to Waymo's business (Dkt. 25-31). The public  
 6 disclosure of this information would give Waymo's competitors access to in-depth descriptions—and  
 7 analysis—of the functionality of Waymo's autonomous vehicle system. If such information were  
 8 made public, I understand that Waymo's competitive standing would be significantly harmed.

9       7.       Waymo's request to seal is narrowly tailored to those portions of the Letter Brief that  
 10 contain, reference, and/or describe Waymo's asserted trade secrets and thus merit sealing, and the  
 11 scope of information that Waymo is seeking to seal is consistent with other administrative motions to  
 12 seal that have already been granted by the Court in this case. (*See* Dkt. 416, 414, 406, 393, 392.)

13       8.       On June 9, 2017, counsel for Defendants Uber Technologies Inc. and Ottomotto LLC  
 14 withdrew the confidentiality designation for the response to Interrogatory No. 1 of Waymo's First Set  
 15 of Expedited Interrogatories Pursuant to Paragraph Six of the May 11, 2017 Preliminary Injunction  
 16 Order (Nos. 1-9) found in Exhibit 3.

17       I declare under penalty of perjury under the laws of the State of California and the United  
 18 States of America that the foregoing is true and correct, and that this declaration was executed in San  
 19 Francisco, California, on June 21, 2017.

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By /s/ John W. McCauley

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John W. McCauley  
 Attorney for WAYMO LLC

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1 **SIGNATURE ATTESTATION**

2 Pursuant to Local Rule 5-1(i)(3), I attest under penalty of perjury that concurrence in the  
3 filing of this document has been obtained from John W. McCauley.

4 */s/ Charles K. Verhoeven*  
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Charles K. Verhoeven

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